



W.P.No.11931 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 28.08.2024

Pronounced on : 26.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11931 of 2024 and
WMP.Nos.13029 & 17845 of 2024

Dr.Ramanathan.P

... Petitioner

Vs.

- 1.The Chairman of Tamilnadu Small Industries Development Corporation Limited cum Secretary to Micro, Small & Medium Enterprises Department of Government of Tamilnadu,
8th Floor, Secretariat, Fort Saint George, Chennai 600 009
- 2.The Managing Director,
Tamilnadu Small Industries Development Corporation Limited,
9th Floor SIDCO Corporate Office Building,
Thiru.Vi.Ka. Industrial Estate, Guindy,
Chennai 600 032
- 3.The General Manager,
Tamilnadu Small Industries Development Corporation Limited,
9th Floor SIDCO Corporate Office Building,
Thiru.Vi.Ka. Industrial Estate, Guindy,
Chennai 600 032
- 4.The Estate Officer cum Branch Manager,
Tamilnadu Small Industries Development Corporation Limited,
SIDCO Industrial Estate, Kangeya Nallur Road,
Gandhi Nagar, Vellore 632 006, Vellore District
- 5.The Industries Commissioner and Director



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of Industries & Commerce,
3rd Floor, SIDCO Corporate Office Building,
Thiru.Vi.Ka. Industrial Estate, Guindy,
Chennai 600 032
6.The General Manager,
District Industries Centre, 5, Devaraj Nagar,
(Opposite to IVPN), Ranipet 632 401

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Judgement and Decree dated 03.09.2004 obtained in the petitioner's restored appeal CMA No.1 / 1992 due to playing fraud on the Hon'ble Principal District Court at Vellore 632 009 by the 4th respondent and quash this impugned judgment and decree dated 03.09.2004 and direct the 1st to 4th Respondents i) to implement their admittances (furnished in the minutes of meeting letter dated 22.03.2022 of the petitioner sent to the 1st Respondent marking copies of the same to the 2nd to 4th Respondents) which the 1st Respondent confirmed by sending his letters dated 04.04.2022, 07.04.2022, 07.05.2022, 26.05.2022, 12.09.2022 and 26.10.2022 to the 2nd Respondent and which the second respondent admitted due its confirmation by not denying the averments made in these letters dated 04.04.2022, 07.04.2022, 07.05.2022, 26.05.2022, 12.09.2022 & 26.10.2022 of this first respondent and letter dated 07.07.2023 of the petitioner ii) to report their compliance of this prayer to this Court.



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For Petitioner : Mr.Ramanathan
(petitioner in person)

For Respondents
For R1 : Mr.V.Manoharan,
Additional Government Pleader

For R2 to 5 : Ms.Sithra Sarangam,
Standing Counsel

ORDER

This writ petition has been filed challenging the order passed in P.P.C.M.A.No.1 of 1992 dated 03.09.2004 on the file of the Principal District Judge, Vellore District, Vellore thereby dismissed the appeal filed by the petitioner.

2. The petitioner had entered into a hire purchase agreement in respect of the subject property with the fourth respondent. Thereafter, he committed default in payment. Therefore, the agreement between the petitioner and the fourth respondent was cancelled. Even then, the petitioner did not vacate the premises and not handed over vacant possession to the fourth respondent. Therefore, the petitioner was declared as 'unauthorised occupant' as per Section 2(g) of the Tamilnadu



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Public Premises (Eviction of Unauthorised Occupants) Act, 1975.

Thereafter, notice was issued under Section 4 for eviction to the petitioner herein. Aggrieved by the same, the petitioner preferred appeal in CMA.No.1 of 1990. It was allowed and the matter was remanded back to decide the issue afresh after considering the documents submitted by the petitioner. As directed in the above appeal, the fourth respondent considered the case of the petitioner and rejected the same by order dated 14.02.1992. Aggrieved by the same, the petitioner preferred CMA.No.1 of 1992. After a period of 20 years, it has been challenged in this writ petition on the ground of fraud played by the fourth respondent before the appellate court.

3. The petitioner appeared in person and submitted that shed No.20 at SIDCO Industrial Estate, Ranipet was allotted in favour of the petitioner by the allotment order No.38108/DB1/78 dated 14.05.1979 and 17.07.1980 under hire purchase basis after execution of lease cum sale deed. However, the petitioner failed to clear the dues as per the time schedule in the lease cum sale deed. Therefore, the petitioner was issued



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show cause notice dated 06.08.1986 and the allotment order was cancelled on 20.07.1988. Subsequently, the shed was taken possession by the fourth respondent on 31.12.2002. Thereafter, the shed was reallocated in favour of one, M/s.Rain Bow Associates by the allotment order dated 05.11.2003 at the cost of Rs.16,44,600/-. After taking possession of the shed, new machineries were erected and commenced the production by the new allottee. However, the new allottee as per the lease cum sale deed, has not paid the shed cost as per the schedule. Therefore, the new allottee is liable to pay the penal interest at the rate of 13.5%.

4. On perusal of the counter filed by the fourth respondent revealed that the petitioner was originally allotted the shed No.20 vide allotment order dated 17.07.1980 under hire purchase basis. Accordingly, he has to pay shed cost to the tune of Rs.1,36,200/-. In addition to the said amount, a sum of Rs.36,380/- was also sanctioned to the unit which represents 10% of the margin money on the loan. Subsequently, he committed default and the allotment order was cancelled by an order



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dated 20.07.1988 on the ground of non payment of instalment on time and also for violating the terms and conditions of the allotment order. Thereafter, it was reallocated in favour of M/s.Rain Bow Associates vide allotment order dated 05.11.2003. The petitioner also had constructed two additional unauthorised shed without permission of the fourth respondent. Therefore, the machineries which were lying there, were also seized and auctioned by the National Small Industries Corporation for default of payment. After auctioning, there was no surplus amount available on the machineries. Therefore, the counter claim of the petitioner cannot be considered.

5. In fact, the petitioner has outstanding dues under Money Market Account to the tune of Rs.2,46,984.31/-. However, there was no possibility of recovery of the said amount from the ex-allottee and as such, write off proposal for the benefit of the petitioner was placed before the 259th Board Meeting held on 28.03.2013 and resolved to write off a sum of Rs.54,994.68/- towards outstanding principal and interest and waive a sum of Rs.1,91,989.66/- towards penal interest and also to



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withdraw the notional demand of Rs.1,34,811/- towards occupational rent. That apart, the petitioner challenged the order dated 03.09.2004 after a period of 20 years without any explanation for the huge delay. That apart, the petitioner, in respect of the very same cause of action, already filed several writ petitions before this Court and they were dismissed.

6. In view of the above, this Court finds no infirmity or illegality in the impugned order passed in P.P.C.M.A.No.1 of 1992 dated 03.09.2004 on the file of the Principal District Judge, Vellore District, Vellore. As such, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

26.09.2024

Neutral Citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.
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To

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8th Floor, Secretariat, Fort Saint George, Chennai 600 009
2. The Managing Director,
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